

On behalf of Kensington & Edinburgh Estates Limited Representations to Fairford Neighbourhood Plan 2016-2031 Revised Sustainability Appraisal and Sites Assessment, July 2017

These representations follow the submission of comments on behalf of Kensington & Edinburgh Estates Limited (“K&E”) as part of the public consultation on the Pre-Submission Fairford Neighbourhood Plan (“FNP”) undertaken during November/ December 2016 and April 2017.

Those representations objected to the exclusion of land under the control of K&E from the Settlement Boundary defined in Policy FNP1 and to the allocation of land (FNP site ref. F39C) for business uses, rather than more appropriate residential use to extend the recent adjoining housing scheme, under Policy FNP21 (later Policy FNP18). K&E also considered that the proposed housing allocations in the FNP would be inadequate to meet local housing demand.

Following the public consultation, the FNP Steering Group duly considered the representations that had been received and recommended in their Regulation 14 Report (January 2017) that the policies and supporting text of the FNP were changed with only minor modifications, with no requirement to allocate any further sites, and be finalised for submission for examination. K&E’s representations to the Regulation 16 Submission Version of the FNP focussed again on the issues that had been raised previously.

Fairford Town Council has now submitted a revised Sustainability Appraisal (“SA”) and accompanying revised Sites Assessment which are subject to public consultation. Further comments are submitted below on behalf of K&E in relation to these documents.

Revised SA

Section 9 of the revised SA presents an Assessment of Reasonable Policy Alternatives in the form of a summary assessment of each site in relation to the eight SA objectives. Our response to each matter, insofar as they relate to SHLAA site reference nos. F39A, F39B and F39C, is outlined below.

Environmental Quality

Risk of sewage pollution of River Coln without prior improvement in system capacity (negative effect mitigated to possible negative effect assuming Policy FNP7 is effective in ensuring utilities investment) (all sites).

Funding for the delivery of further system capacity is reliant to a significant degree by contributions arising from the grant of planning permission. The grant of planning permission on the adjoining site illustrates this clearly. In that case planning permission was granted subject to a Grampian planning condition requiring improvements to the network. Those improvements were undertaken prior to occupation of the development and both mitigated the effect of that development and provided betterment for the system’s capacity. Within the context of positive planning it is inappropriate to cite sewage capacity as a barrier to development when this matter is capable of being addressed through the planning system.

Biodiversity

F39C - The site is surrounded by mature hedgerows/trees and adjacent to the old railway embankment which is rich in hedgerow birds, rabbits and insects. Key Wildlife Site 60m to the south (possible negative effect).

F39B – The site is adjacent to wood pasture and parkland BAP Priority Habitat. Important trees and hedge on southern edge of site (possible negative effect).

F39A - Mature hedgerows surround parts of the site which links to countryside, ecological value - green space remaining in area of built development. Badger sets in vicinity. Mature trees on north boundary (possible negative effect).

It is not considered that any of the matters identified above specifically preclude the development of these three sites. As the grant of planning permission on the adjoining site has illustrated, all ecological matters can be appropriately dealt with by detailed sensitive design at the planning application stage. Previous ecological surveys of the sites have concluded that habitats present are very limited. Survey work would be updated to determine the ecological value of each site and the findings of such work would reasonably feed into the design of the development, with sensitive design and layout taking into account the need to retain and further enhance as far as possible any key habitat features onsite, including trees and hedgerows and other wildlife corridors and features. Additionally, appropriate avoidance, mitigation and compensation measures would be defined, including the need for sensitive working methodologies, in addition to sufficient habitat creation, management, maintenance and monitoring measures to ensure no net loss to biodiversity.

Climate Change

F39C - The southern end of the site is shown as having ground water flood risk on the ESI map. There also potential issues of increased surface water run-off into the industrial area and Lake 104 from development (possible negative effect).

F39B - Fluvial flood zone 1 but flow route into adjacent Lake 104. Borehole evidence of regular Ground Water flooding and likely difficulties with sustainable drainage (possible negative effect).

F39A - Flood zone 1 but flow route into Lake 104, shown as Ground Water flood risk on ESI map implying potential difficulties with sustainable drainage (possible negative effect).

Drainage and flood risk issues were considered comprehensively as part of the consented development on the adjoining Bovis site. The sites do not fall within an EA defined flood zone (as confirmed in the Revised SA). Work undertaken on the adjoining Bovis site, which included borehole testing, demonstrated that a suitable sustainable drainage solution could be achieved here. The land owner has advised that the sites have not experienced any problems with flooding and the FRA undertaken for the adjoining Bovis development confirms that there is no reported history/evidence of groundwater flooding in the area. The indication that the sites have ground water flood risk, according to the ESI map, is therefore inconsistent with the latest available evidence.

Notwithstanding this, any development proposal in an area deemed to be at risk of groundwater flooding would be expected to produce a detailed FRA incorporating the following:

- Risk from groundwater flooding;
- Groundwater monitoring should be considered for any development, to assess the level of groundwater in relation to the topographic levels;
- Incorporate suitable mitigation techniques into the design of the development as part of the FRA to ensure that the development and site;
- Preventing contamination.

Possible mitigation measures would include:

- Raising finished floor levels;
- Construct buildings with solid floors;
- Providing raised walkways to ensure safe egress and access from the site during a flood event.

Furthermore, in relation to greenfield sites, the FRA would need to ensure that the development is safe for its life time and will not exacerbate the flood risk to other properties. In particular:

- Retain the rates and volumes of runoff from the development at greenfield rates;
- Use SuDS to provide storm water management and provide amenity value within the site and for off site users;
- Provide for the long term management and maintenance of Sustainable Drainage Systems and/or flood defence structures;
- Provide a drainage strategy for the site.

Possible mitigation measures would include:

- Raising finished floor levels above the design flood level;
- Providing a safe, dry means of egress and access to and from the development during a flood event;
- Compensatory storage to be provided on a level for level basis;
- Use SuDS to retain the rates and volumes of runoff from the development at greenfield rates.

It is considered, therefore, that drainage and flood risk issues can be adequately dealt with at planning application stage and should not in this instance preclude the development of these sites.

Historic environment and landscape

F39B - Close to Morgan Hall and to edge of Conservation area and may affect their settings (possible negative effect)

It is not considered that the matters identified above preclude the development of this site. They can reasonably be dealt with through the sensitive design and layout of development at planning application stage.

There are two strong hedge lines between the site and Morgan Hall that would be retained as part of any development proposal. Furthermore, it is not considered that there are any direct views of Morgan Hall or the Conservation Area from the site and so there is unlikely to be any detriment to their setting.

Land Resources

F39B - Present use as football field and camp-site (negative effect)

The site's current use as a football field and campsite does not preclude redevelopment for other uses. The campsite is an occasional use that does not have a permanent planning permission. As part of any redevelopment proposals (and as indicated in the representations made previously) any development would need to deliver an overall improvement in the quality of playing field provision in Fairford and such improvements could only be delivered through cross subsidy from residential development on the adjoining

site. Such improvements could be secured by way of legal agreement attached to a planning permission for the redevelopment of the site.

Population & Communities

No direct ability to address school capacity or health centre parking problems through the allocation of land (rather than a financial contribution) (negative effect) (All sites)

Contributions towards new and upgraded local facilities can be appropriately secured through the Community Infrastructure Levy and where necessary a S106 agreement.

Health & Well-being

F39A – potential for improved community leisure facilities (possible positive effect)

The positive effect of improving the sports facility is acknowledged. However, the enhancement of such facilities can only be realised through the enabling residential development of the adjoining sites. This could be secured by formally allocating the parcels of land adjoining the football club for residential development linked as “enabling development” to enhanced sports facilities.

Economy & Enterprise

F39C – possible extension to adjoining industrial estate but opportunity cost of losing land otherwise suited to economic development (as per Policy FNP22) (possible positive and negative effects)

The assessment goes on to say:

“The one site that is common to both the proposed policies (FNP18: Land off A417) and the alternative sites (F39C) has been assessed as having greater benefits as an employment site (extending the adjoining business park) rather than as simply another housing site. As a housing site, it offers no opportunity to make a difference to the local infrastructure, but as an employment site, it can help redress the balance between new homes and jobs to prevent the town becoming more of a commuter town.”

K&E maintains its objection to this proposed allocation and note that there have also been objections by other parties to its allocation for business uses. It is not considered that the FNP Steering Group has justified the proposed allocation of this site for business uses in the Submission FNP or has addressed the objections that have been made. There are major vehicular access constraints identified in the accompanying site assessment which states:

“Access may be possible through the existing industrial estate to the East of the site, but this is restricted due to present industrial activity and road width. Concerns expressed about capacity of alternative access via existing Bovis estate on increasingly busy stretch of road with multiple junctions in close proximity.”

A legal right of access to parcel F39C is retained through the Bovis development that is presently under construction. This takes access from a new junction on London Road that can safely support additional vehicular traffic for residential development but would be unsuited to employment traffic.

Bringing employment uses closer to existing residential development would likely give rise to amenity concerns for existing occupiers.

K&E contends, therefore, that this site should be allocated for housing and that this would be a more suitable and logical land use than the current proposed allocation for business use.

Conclusion

The revised SA concludes that as potential housing sites, none have been assessed more positively than the sites selected and in most cases, there are some clear negative effects and the potential for further negative effects, when considered for their housing development potential.

K&E does not agree with the conclusion of the SA and the accompanying revised site assessments and maintains that any perceived possible negative effects can appropriately be dealt with at detailed application stage.

Indeed, the majority of these issues are now addressed through the grant of consent for, and development of, residential development adjoining the sites.

K&E maintains that there ought to be a more equitable distribution of housing allocations across the town, particularly to the east of Fairford, to meet the pressing need for housing and affordable housing.

There is also the potential for the allocation and subsequent development of sites such as F39C to make a meaningful contribution towards improved community and sporting facilities, i.e. at the Fairford Town Football Club. Site F39C represents a viable, realistic and immediately deliverable site that will make a genuine contribution to identified housing need and improved community and sporting facilities. The FNP should be modified accordingly to reflect this.

Mango Planning & Development Limited
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